

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

DUWAYNE ALLEN BOHNER	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. No. 10-4621 DWF/LIB
	)	
LHR, INC. & BANK OF AMERICA	)	
	)	
Defendants.	)	

**DEFENDANT BANK OF AMERICA'S OPPOSITION  
TO MOTION FOR ENTRY OF ORDER OF DEFAULT**

Defendant BANK OF AMERICA, by its attorneys, Fish & Richardson P.C., opposes Plaintiff Duwayne Allen Bohner's ("Plaintiff") Motion for Entry of Order of Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and states as follows:

1. Plaintiff filed its Complaint against Bank of America on November 16, 2010.
2. Defendant was served with the Summons and the Complaint on March 26, 2011, making its responsive pleading due on April 16, 2011.
3. Plaintiff moved for entry of an order for default against Bank of America on April 21, 2011.
4. Fish & Richardson P.C. and Reed Smith were very recently retained to represent Bank of America in this matter.
5. In the interests of justice, Bank of America respectfully seeks seven days to investigate and respond to Plaintiff's Complaint.

**WHEREFORE**, Defendant Bank of America respectfully requests that the Court:

- a) deny Plaintiff's Motion for Entry of Order of Default Against Bank of America;

b) grant Bank of America seven days to file a responsive pleading to Plaintiff's Complaint; and

c) grant such further relief as the Court deems just and fair.

Dated: April 25, 2011

FISH & RICHARDSON P.C.

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